

**SHELTON PLANNING AND ZONING COMMISSION** **May 10, 2011**

The Shelton Planning and Zoning Commission held a regular meeting on May 10, 2011 at 7:00 p.m., Shelton City Hall, Room, Auditorium, 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

Commissioners Present: Chairperson Ruth Parkins  
Commissioner Joan Flannery  
Commissioner Virginia Harger  
Commissioner Thomas McGorty  
Commissioner Anthony Pogoda

Staff Present: Richard Schultz, Administrator  
Anthony Panico, Consultant  
Patricia Garguilo, Court Stenographer  
Karin Tuke, Recording Secretary

Tapes (2) and correspondence and attachments on file in the City/Town Clerk's Office and the Planning and Zoning Office and on the City of Shelton Website [www.cityofshelton.org](http://www.cityofshelton.org)

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Chairperson Parkins called the meeting to order at 7:00 with the Pledge of Allegiance and a roll call. She reviewed the procedures of the public hearing for all those in attendance.

**PUBLIC HEARING**

**APPLICATION #11-05 PRAMOD KANDEL FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (CONVENIENCE STORE RELOCATION), 556 HOWE AVENUE (MAP 129B, LOT 11), CA-3 (CONTINUED FROM 4/12/11)**

Mr. Schultz indicated that there was no additional correspondence received for this application. For the record, Staff had an opportunity to visit the site and they are going to share their observations after the Applicant speaks.

**Atty. Dominic Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission on behalf of the Applicant.** Atty. Thomas stated that they made their presentation at two previous hearings. This was continued to today within the framework of the public hearing to hear the comments from Mr. Panico who had not been at the prior public hearings. They gave an extension beyond its 35 days to the Commission to complete the public hearing. They aren't adding anything and they've offered what they can offer. He understands that there was a meeting between Staff and his client at the site. They are willing to respond to any of the Staff's concerns.

Mr. Panico stated that he and Rick Schultz were able to get out there and take a look at the site and compare it with the site plan. They did encounter the owner who was nice enough to give them some additional information. He thought that they had a lot of good discussion. They shared with him some of their concerns and he filled them in on his thoughts.

Mr. Panico stated that with respect to parking, they show the five spaces. In regard to the parallel space up against the fence which he believes is called Space #5, Staff's preference would be to keep that space in reserve. There is room there if they need to park a car. If they did, he would prefer that space not be delineated in the corner because the most difficult space to maneuver out

of is Space #4. Space #4 is up against the fence and you can only go straight back; if there is a car there, it is very difficult, if not impossible, to get out. If that car is not there and if that parallel space to the fence is closer to the road leaving 10 or 12 feet, then the Space #4 car can back into there and easily pull out. He indicated that the other spaces will have no difficulty because there is room for them to turn as they back out of the space. That is the only comment that he would make with respect to the parking. So, they still have the five required spaces. They would suggest that they not delineate Space #5.

Mr. Panico commented that with respect to the new driveway ramp, there is no curb cut there at the present time. They would ask the applicant to provide them with construction details and to remind him that, obviously a District 3 Conn DOT permit is going to be required for that and they are going to want to see the details anyhow.

Atty. Thomas added that the pole has to be moved too.

Mr. Panico responded yes, the pole has to be moved. They had a lot of discussion on site about the external appearance of the building and what the owner's thoughts were about where the entrance was. They reminded him that it was their feeling that there was going to be a need for a handicapped ramp. Rick had spoken to the Building Official who concurred that yes, a handicapped ramp would be required because it would now be accessible to the public. Mr. Panico stated that the only reasonable way to put that ramp would be – and he knows that the owner's engineer thinks that it could be put on the front face of the building – however, from their point of view, that is probably the least desirable way of doing it. They would rather see the ramp parallel to the driveway, coming from the parking area in the back, ramping up alongside the building to the front. This means that they would have to address how that entry is being worked out. The owner had indicated that he was interested in enclosing that entry; but if they do, they create some real problems in terms of how the handicapped ramp would work out. Mr. Panico stated that the owner and his engineer need to sit down, plot that out on paper and show the Commission what they intend to do.

Mr. Panico stated that the owner said he was giving some thought to replacing the twin windows in the front with a new doorway. He and Rick both felt that would not be a desirable thing to do. The entryway ought to stay somewhere around the stoop either by having the existing entryway converted to a commercial entryway or by putting a doorway in 90° from that entryway if they have to.

Mr. Panico indicated that they are still striving to acknowledge the fact that it is going to be a commercial occupancy of a residential building. But to the maximum degree possible they want to try to not bastardize the residential character of the structure. He thinks that with care and attention, they can do that. They have no problem with replacing the twin window with a picture window-type so that he can have some display window in the front. However, he has to be careful as to how that display window is used to be sure that it does not become plastered up with a lot of signage clutter.

Mr. Panico stated that since the owner wants to be visible to traffic up and down the street, they suggested that, perhaps, a projected hanging sign might be the best solution. Something on the idea of what Mark's Jeweler's has down the street. If it needs to be a wall sign, they think that it should be a relatively simple wall sign above the picture window. That would work out OK too.

Atty. Thomas asked if he meant a blade sign.

Mr. Panico responded that the projecting sign would be like a blade sign or they could do a flat wall sign. Either way, it needs to be done with care or they would like to be a part of that process to see what he is going to do before he commits to it.

Mr. Panico indicated that they discussed the fencing. They think that the fencing is an attractive part of the property. They are going to lose a major chunk of it when they put the curb cut in but they thought that some of it could be salvaged and used on the far end to create a better demarcation between the subject property and the next property to the right of it. Their concern is that there is a driveway over there, adjacent to the subject property, and a customer is apt to pull in there, park the car, cut across the front lawn to the front door. He thinks that it should be discouraged by having a return on the fence. He thinks that the white style fence would do a nice job.

Atty. Thomas asked if he was referring to the white picket fence coming around...

Mr. Panico responded yes, he can take what he's got in the front and re-use it on the side. They aren't suggesting that the fence has to go all the way down the property line. It just needs to go to perhaps where the building begins.

Mr. Panico stated that they would like to see the front lawn retained and the landscaping that is there could be refurbished a little bit. There is some shrubbery and plantings that are not too bad but just need to be cared for and refurbished.

He added that in the backyard, where there are four spaces 90° behind the building, if they aren't controlled at the wheel level, they are going to bump the fence. At some point, that fence is going to go down so they need to provide some way to prevent that from happening.

Atty. Thomas asked if he means wheel stops.

Mr. Panico responded yes, wheel stops or a strip of continuous curbing to prevent that from happening. He wanted to alert them to the fact that with such a very confined site, it would not be desirable for outside accessory equipment to find its way onto the site such as coolers, soda dispensers, soda machines, or things of that sort. They would like to see those types of things avoided, if at all possible.

Mr. Panico indicated that if there is going to be any additional ground level equipment such as air conditioning compressors that will show, and then they would like to know where they are going to be. He stated that they should avoid putting them on the front and try to put them in the back. Out of necessity, because of the hatchway that goes downstairs from the back of the site, there is going to be a 4 or 5 foot strip along the back of the building that could accommodate those kinds of things.

Mr. Panico stated that generally what they are looking to do is have the Applicant try and make up his mind on how he wants to handle things, work with his engineer, and get it down on paper.

Atty. Thomas commented that given the fact that this is a sort of unusual application – a hybrid application – it is a permitted use within the zone. The approach that his client has made is that these issues discussed are do-able. Some of them are between both the Building Department and Zoning because they cross over. He doesn't think that there is any problem. His client is here to

respond, but they think that at this point the public hearing can be closed because they don't think that what they've said is not do-able.

Mr. Panico agreed that he thinks it could be worked out at the Staff level.

Atty. Thomas indicated that they understand that even though it is what amounts to a Permitted Use, it is a Special Exception because it is a convenience store. In order to accomplish this, his client is willing to submit to the conditions so that he can accomplish this. This gives him the opportunity to have the parking. There are other things that would have to be done. He asked his client, Mr. Kandel, if he thought the issue of the ramp and the front entry could be addressed. Mr. Kandel responded that yes, they could be.

Atty. Thomas stated that they can do them and if the Commission feels it's appropriate, and they act favorably on this, they can be made conditions and they can work with Staff.

Mr. Panico stated that he thinks that Mr. Kandel is going to have to decide, and they hope he does decide, not to enclose the front stoop entry. He discussed that as something that he thought he might want to do. He thinks that if he does that, it introduces a lot of questions about how customers get in and out, because you can't have a door at the top of 3 or 4 steps without a platform area. If he brings a handicapped ramp up, there has to be some kind of safety area at the end of the ramp before going in the door. It makes it difficult to address those issues if he tries to close that entry way in.

Atty. Thomas asked Mr. Kandel if he understood what Mr. Panico was saying.

**Mr. Pramod Kandel, 556 Howe Avenue, Shelton, CT addressed the Commission.** Mr. Kandel stated that he had almost lost his license because he lost his lease at 549 Howe Avenue. He explained that he does have a bit of a language problem. He did write down all the things and he will make some kind of a drawing with his engineer because it is difficult for him to understand and to explain it to them.

Mr. Kandel indicated that he thought it was a good idea having the handicapped coming from the back, but he has to figure out how to get in and up. He has to figure that out with the engineer (comments inaudible).

Atty. Thomas asked Mr. Kandel about the front porch.

Mr. Kandel responded that for the front door he would like to put a little bit bigger size for the front door, if possible, because people like to look inside to see what is going on. He'd like to put a little bit bigger size window. He has a small window there and he'd like to put a bigger one to allow people to see inside.

Mr. Panico asked Mr. Kandel if he was referring to the front window.

Mr. Kandel responded yes, the front window.

Mr. Panico stated that right now he has the two – the twin windows. He suggested that he replace that with one large window.

Mr. Kandel responded yes, (comments inaudible)

Mr. Panico commented that he thinks that he'll open it up if he replaces that double window with a single large fixed plane of glass. He thinks that he has to

get his engineer involved, sit with him and get his ideas down on paper so that the Commission can understand them.

Mr. Kandel responded OK. He'll bring that back. He is going to put a cooler to the building's right side and there might be a cooler in one corner because his house is a little (inaudible)

Mr. Panico asked if he meant a cooler that would project outside the house.

Mr. Kandel responded that he has a walk-in cooler box but he is going to (inaudible)

Atty. Thomas stated that he doesn't think Mr. Kandel means that the cooler is going to be outside... he's going to have to do an addition.

Mr. Kandel agreed yes, not outside, it is (inaudible).

Atty. Thomas explained that if they look at the pictures, they will see that the house has jogs in it. He thinks that Mr. Kandel is referring to straightening out the jog in the rear – it comes out and goes in.

Mr. Panico commented that this one drawing does not show any jogs. He suggested that he use this other survey as the site plan because it is better and it's a larger scale. He does see that jog and he understands that he might have to fill in that corner and have it accessible as a cooler for the interior.

Comm. Harger indicated that was the front right corner.

Mr. Panico asked if he would be going all the way out the end.

Mr. Kandel responded yes... (inaudible)

Mr. Panico indicated that it might be do-able and he'd like to see how it looks when he finally decides the specific dimensions of what he needs. He stated again that he hates to see a residential structure bastardized too much.

Atty. Thomas asked if the Commission was saying that they would like to have him leave the front porch.

Mr. Panico responded that it would be their preference to see it stay. If he can show us a solution that works without it staying, they will keep an opening mind.

Mr. Kandel indicated that he would begin working on a drawing. There may be other ways that it could work out. He doesn't need to change a lot of things over there; it just needs to be a small stoop there.

Chair Parkins commented that they are trying to keep with the characteristics of a residential house.

Mr. Kandel responded yes, he would try to keep his business as (inaudible)

Atty. Thomas commented that they are getting the indication that it's subject to some of the things that he has to do as a commercial thing – but the outlook of the house should remain as a residential outlook. So even with the addition, matching siding would be done.

Mr. Panico indicated that he understands that with the front door, it is going to have to have a commercial appearance to it.

Atty. Thomas responded that it would have to have a commercial appearance but there can be trim work and stuff that can be done to give that look.

Chair Parkins indicated that one of things that he might not have heard from their conservation was that he was planning on serving food, as with a deli or a grill in there.

Mr. Panico commented that he thought the final answer on that was there would not be any grill.

Mr. Kandel responded that there would be no grill.

Mr. Panico indicated that a grill would introduce a lot of issues because then there would be ventilation equipment sticking out of the wall and everything.

Mr. Schultz stated that the food would be pre-packaged.

Comm. McGorty asked if there would be a garbage dumpster.

Mr. Panico commented that he indicated that he had no need for a dumpster because he would not (inaudible)

Mr. Kandel stated that there would not be a grill. He would like to put a small deli on the back side (inaudible)

Atty. Thomas reiterated that Mr. Kandel said he wanted to put a deli with no grill.

Comm. Harger asked if he would be preparing sandwiches – but no grill.

Chair Parkins stated there would be no grill or any exhaust going outside.

Mr. Kandel stated that if they do a breakfast sandwich, they would need a microwave.

Atty. Thomas indicated that the pre-packaged sandwiches need to be reheated in a microwave. But there would be no cooking. Atty. Thomas explained to Mr. Kandel that there would be no cooking – just re-heating of sandwiches – and asked if he understood.

Mr. Kandel asked if he could if he put an exhaust pipe out there (inaudible).

Comm. Flannery indicated that he cannot fry any eggs.

Comm. McGorty reiterated that there should be no grill.

Chair Parkins commented that it is either a convenience store or it's a restaurant.

Atty. Thomas told Mr. Kandel that the Commission says "no" on that – no grill. They are saying that he can have a microwave but no grill.

Mr. Panico explained that there are a lot of things that come into play if he starts cooking - ventilation equipment, garbage disposal, grease – things that he doesn't have to deal with if there is no cooking.

Comm. McGorty asked if there was going to be a deli and if he would be preparing sandwiches.

Mr. Kandel indicated yes, no, he used to cook but he had a problem there and he has stopped now. He has all the equipment though. It's possible that he is going to move it otherwise, (inaudible).

Comm. Harger asked what he did with that equipment and if he was frying eggs, making bacon, etc.

Mr. Kandel responded yes, bacon, eggs and ...

Atty. Thomas told Mr. Kandel that the Commission is telling him that doing that is going to create some problems.

Mr. Panico added that those items would require ventilation and exhaust systems.

Comm. McGorty stated that even a deli would generate food waste which is more than the typical type of garbage. His concern would be the proper disposal and having a proper dumpster rather than a bunch of cans in the back that are dirty, animals can get into them, knock them over and garbage will get all over. The neighbors are going to have issues with rodents and everything else. There would have to be a dumpster on the site.

Chair Parkins asked where he would put that.

Mr. Panico responded that he could put a small one there; he could maybe work it out.

Comm. Flannery suggested putting it in front of parking space #4. If he is going to get rid of parking space #5 and move parking space #4 back, he could put the dumpster in the corner there.

Mr. Panico responded that was a possibility. He would really like to sit with his engineer and discuss how it needs to be, etc. He doesn't imagine that he's going to need a very big dumpster.

Comm. McGorty indicated that there is the parking issue as well though. They are trying to shoehorn something in here that is not a great fit.

Comm. Pogoda stated that it is difficult to understand what he wants to do and it is difficult for him to understand what they are expecting of him. They still are not getting clear cut answers about what he is planning to do. Is he just going to be making sandwiches, are the sandwiches going to be coming in, etc? He is trying to fit something into this space, as Tom mentioned. He's going to need a dumpster at some point if he wants to start making stuff.

Comm. McGorty indicated that his problem is that he is trying to shoehorn this use into a residential area when there are other places available. He stated that he understands and feels for him, that the applicant has lost his lease, but he thinks that there are plenty of spaces downtown that would be more suitable for this type of use. They are trying to shoehorn this into there and trying to make it fit. It is not a good fit.

Atty. Thomas stated that he wanted to make a suggestion. The Staff visit was on Friday and he was not aware of it. His client did not contact him or anything with any comments or anything until today. They've given them an extension to keep the public hearing open. They still have a total 65 days worth of extensions that they can give. They will give them an extension so that he can sit with his engineer and try to respond to some of these questions rather than trying to speculate. He will give an extension in writing tomorrow morning via email to

Rick and extend it beyond whenever they would like to continue it to. That way, Mr. Kandel can at least respond to these concerns and address them.

Chair Parkins asked Atty. Thomas if he could relay to him the Commission's concern that this not be a food establishment – that it's a convenience store.

Atty. Thomas agreed that he would do that.

Mr. Schultz indicated that they would need to accept the extension and continue the public hearing until June 14<sup>th</sup>. In the meantime, Staff will be meeting with him.

Mr. Panico stated that they are keeping the hearing open until 6/14 but his engineer needs to get on this prior to two days before that so that they can have some dialogue. Next week, his engineer ought to be developing what the client's needs are so that the following week he can meet with Staff to see what they've got.

Atty. Thomas stated that he has taken some notes on this but requested that they email the preliminary notes to him so he can address them with Mr. Kandel's engineer.

Mr. Panico responded that they would provide that.

Comm. Harger commented that when they have other plans come before the Commission for other Downtown retail, they've been given more specific information about what is going to be there. She added that if he is going to take the time to work with an engineer, than they would like to see a little bit more detail. Right now, all they are seeing is a building footprint.

Atty. Thomas asked if she was talking about an elevation.

Comm. Harger responded no, not an elevation, but just a layout. It was news to them that the applicant was thinking about squaring off the right front corner and the other changes. They just need to see something with more detail.

Chair Parkins asked for a motion to accept the extension and keep the public hearing open.

**On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to accept the extension for Application #11-05 and keep the public hearing open until the next regular P&Z Meeting on June 14, 2011.**

**PROPOSAL OF THE PLANNING & ZONING COMMISSION: RE-WRITE OF SECTION 44: SIGN REGULATIONS (CONTINUED FROM 4/27/11)**

Chair Parkins indicated that this is a continuation of a public hearing from April 27<sup>th</sup>. They are still in the process of conferring with their counsel on the letter that they received from the ACLU. She stated that they would listen to anyone from the audience who has come to speak on this issue tonight. They will recommend that this public hearing be continued in order to allow Corporation Counsel to address the concerns raised by the ACLU. She asked if there was anyone from the audience wishing to speak.

**Bill Purcell, President, Greater Valley Chamber of Commerce, 900 Bridgeport Avenue, Shelton, CT addressed the Commission.** Mr. Purcell indicated that this was his second appearance to address this issue. He commented that it was a beautiful spring evening in Shelton, and once again,

you are all here. He thanked the Commission for their time and their talent. He congratulated the Commission on their patience and perseverance. He knows that this has been a very long road that began a couple of years ago. They began by researching some of the best practices in other communities around the State and perhaps, around New England, with the goal of fashioning regulations that would, above all, insure the safety and public health of our residents but also enhancing the physical appearance of their growing commercial areas. He underscored growing because they are not done yet. This is still very much a work in progress. As Mr. Soffan is here tonight and the gentleman before this, the beat goes on here, the recession notwithstanding.

Mr. Purcell related that about a month ago he had been invited by some colleagues from the City of New Haven who had formed, under the auspices of the BOA, a Blue Ribbon Commission promoting quality economic growth and development in the City of New Haven. Not surprisingly, they looked at Shelton as a successful case study. They wondered what the formula was. He had been invited down to address the issue. He told them he would come but that he would be bringing his friend, Jim Ryan, the President of the Shelton Economic Development Corporation who has for the last quarter of century has been applying his trade and skills as a leader in Downtown Shelton and throughout the region. He also invited the P&Z Chair to join them because this is where it happens. It is at this forum, before this Commission, that each and every successful development has its hearing. So, Chair Parkins did join them that evening.

Mr. Purcell commented that he recalls when asked what the formula was, Chair Parkins replied that they try to be fair and sensible in every project that they look at. He thinks that is the operative term with respect to these new Sign Regulations – to be fair and to be sensible.

Mr. Purcell indicated that, if and when they adopt these – in another two weeks - there will always be tension between developers and, in particular, retailers when it comes to the issue of signage. That will always exist. They have to recognize that they attract them here, and they've been successful at doing that, but they also need to ensure that they can adequately promote their businesses through signage and that is essential. So to be fair and to be sensible with these matters makes a lot of sense.

They have also seen the influx of national retailers in Shelton. Many national retailers have spent handsomely to promote their brands. He won't name any of them, but they are up and down the Bridgeport Avenue corridor and they come in with a certain standard that is nationally recognized. How that standard fits into these regulations may continue to be a source of some tension.

Mr. Purcell thanked them for coming out. They hosted a forum back in November along with your professional staff at the Chamber offices. What they have before them tonight reflects the input of the local business community. He knows that it has been tweaked. Some things have been removed or modified and they are grateful for their support.

Mr. Purcell wanted to bring up a couple of issues. He thinks that they need to recognize that this is an evolutionary process. To change the look and feel of the community will take time and they recognize that in Section 44.3.5 when they discuss non-conforming signs. They do, in fact, protect those businesses that have erected signs at substantial cost and are not requiring to change them if they are not in conformance; only, in fact, if there is a substantial change. So a name, or normal maintenance – that's sensible and fair, and he applauds them for that.

Mr. Purcell indicated that he did have some concern under 44.4.8, whether or not they would exclude – this is a section on festive banners or signs that sway in the breeze - whether they not limit sort of self help merchant's associations in Downtown or Huntington or along River Road that may want to have seasonal or festive banners (Christmas, Easter, Spring...) There are some limitations there such as not exceeding a foot in any direction, and that may be a little onerous.

Mr. Purcell mentioned Sandwich Signs 44.4.11 – there is proliferation of them and he supposes that they have a right under this to just sweep them. And he knows that they have. In fact, some of his Chamber signs have been swept if he doesn't get to them within 30 minutes after an event, as he promotes his secure location. He asked Mr. Schultz when they were going to fix that 900 Bridgeport Avenue; hopefully, when the building is sold. He pointed out that there were two 900 Bridgeport Avenues and he's lived with that for the last 11 years.

Mr. Purcell stated that recognizing a concern he has, particularly for places like Shelton Square, in limiting outside signage to including only up to six retail tenants. Clearly they have developments that are beyond six. At the Chamber, he uses the phrase for retailers whose names are not out on that sign – “what I am, chopped liver? Why can't I have the name of my company on there?” Mr. Purcell indicated that this is a legitimate concern. But they do have a provision where they can be fair and sensible and they can exceed that six. Fair and sensible is the operative word. He thinks that on balance they have achieved something that is workable. It will have an impact on the aesthetics of this community and he congratulated the Commission for their hard work. He thanked the Commission.

Chair Parkins thanked Mr. Purcell for taking the time to come out and share his thoughts with them.

**Atty. Dominic Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission.** Atty. Thomas stated that Mr. Purcell asked him to look at this. He looked at it once, he made some comments and there were some changes to address it. He indicated that he was not going comment on the ACLU issues, but he'll say that Atty. Tims was an intern in his office before he became a lawyer.

Atty. Thomas stated that the only points that he wanted to make were in 44.3.4. They are doing something that is different. He's had the opportunity to read but they are changing it, in that, normally the action or order of a Zoning Enforcement Officer (ZEO) is appealed under statute to the ZBA. They have it appealing to the P&Z, in this situation. So, they are creating a situation, where if somebody hasn't read it like he has, they are going to appeal within 30 days. So, when a ZEO goes out and issues a Cease & Desist (take the sign down), they do say “except in the case of an unsafe condition...” He suggested that they check with Counsel because he isn't sure if a ZEO can issue a building-related order. In other words, if it's an unsafe condition, that usually comes from the Building Official because that is appealable to a totally different entity. It is appealed to the Building Appeals Board. They are changing what is normally the circumstances - “except in the instance of an unsafe condition, any such order by the Zoning Enforcement Officer may be appealed to the Planning and Zoning Commission for review.” They are creating something there that is an additional step. They are saying the ZEO comes to P&Z and that order for signs comes to the P&Z first to appeal. If someone challenges that and eventually ends up in Superior Court, the thought that he has is that – now, do they have to go here to P&Z acting as an enforcement entity, P&Z to the ZBA and the ZBA to court? Atty. Thomas indicated that this is just a question. He didn't have a chance to research it.

Chair Parkins responded that she thinks when he researches it; he will find that he is following our regulations. So, if there is an infraction against their regulation, and he issues some sort of citation against, then they appeal it to P&Z not ZBA.

Atty. Thomas commented that when a ZEO issues a Cease & Desist Order – there has been a lot of confusion with respect to Shelton in the past because of the fact that they function more so as zoning enforcement; in other words, when they do their Certificates of Zoning Compliance and things of that nature. It is something that just came up. He just had a case against Mr. Dingle because he had a Cease & Desist against a client of his. They appealed to the ZBA, before the honorable Mr. Glover and his group. After they went before them and got a decision, they then went to the Superior Court. So, when they issue a Cease & Desist order with the removal of something like unregistered vehicles, the appeal is to the ZBA, not the P&Z.

Mr. Schultz responded that he's following him, and they'll take it as... (inaudible)

Chair Parkins commented that she was not in agreement with that.

Atty. Thomas stated that under 44.3.5 Non-Conforming Signs destroyed by casualty, they are saying 60 days. He doesn't know if they have ever dealt with insurance companies because 60 days is a relatively short period of time in their life span. Most people are going to have to go to their insurance company to make a claim and he is only saying that there should be some wiggle room for the person who is making an effort to do it and is waiting for his insurance company to pay by check. A lot of the business people aren't going to be able to replace these signs with their own money.

Comm. Harger asked for clarification about which section he was referring to.

Atty. Thomas responded 44.3.5 Non-Conforming Signs. He understands that if a non-conforming sign is knocked down, they don't want the person to leave it down for two years. He is reading from the final draft of 1/15/11. The middle sentence "a casualty loss of a sign due to damage by destruction..." If they changed it, that's fine. Atty. Thomas stated that the final thing is, and he knows they have made the change, in the PDD's they make a reference to when they have to come in with the site plans – he hopes it's the same there in 44.4.7.

Mr. Panico commented that they clarified that after his comments the last time.

Atty. Thomas stated that Final Site Development Plans, it should reference, their Section 34 makes a specific reference for final site development plans – he assumes that they are talking about when they come in with the final site development plan application. He knows it because he can recite Section 34 in his sleep but someone looking at – they might want to identify specifically, that is the application process where they have to come in with all the sign stuff, not the initial concept plans.

Chair Parkins thanked Atty. Thomas for his comments. It has been mentioned many times over the past several public hearings, it is never their intent to prohibit business or to step on anyone's rights or freedom of speech. They will take all comments into consideration and work to address them. She asked if there was anyone else in the audience wishing to speak about the Sign Regulations. There was no one. She asked for a motion to continue this public hearing until June 14<sup>th</sup>.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to keep the public hearing open until June 14,**

**2011 for the Proposal of the Planning & Zoning Commission: Re-write Section 44: Sign Regulations.**

**OLD BUSINESS**

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

Chair Parkins asked if there were any questions on Standards 1- 23.

Comm. Flannery asked about Standard #5795 and if the garage was within the legal limits that they have set and it is not oversized.

Mr. Schultz responded yes, it's a standard size garage.

Comm. Harger asked about Standard #5803 for the mobile home installation.

Mr. Schultz responded that Woodland Park, as they know from several years ago, there were many decades where they were not coming in for the permits on their replacements. So this replaced an old, archaic trailer with a pre-manufactured home.

Comm. Harger asked about Standard #5805. She doesn't recall ever seeing something where they have two decks coming in. She asked Mr. Schultz if there was anything that they needed to be concerned about.

Mr. Schultz responded that it is off of an existing main deck. It is really an expansion – it is a large deck.

Comm. Flannery asked if all the Standards for sheds were far enough away from the property lines.

Mr. Schultz responded yes, absolutely.

**SEPARATE #5718 IN STYLE PRODUCTS GROUP LLC, 241 CORAM AVENUE, BUSINESS**

Mr. Schultz stated that this had been tabled. The location is right across the street, Atty. Tyma's building, the larger building. This is the sales office for plumbing, heating, air conditioning, HVAC, and cleaning services. The warehouse facility is in Seymour. This is the sales office.

Chair Parkins asked if there were any trucks.

Mr. Schultz responded that there were no trucks. The company has grown and they need offices. He wasn't sure about the location because there are multiple tenants in that large building. Staff recommends approval.

Chair Parkins asked about there being multiple tenants and if they were occupying one floor.

Mr. Schultz responded yes.

**On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to approve Separate #5718.**

**SEPARATE #5776, SCHIABLE REALTY II, LLC, 427-431 HOWE AVENUE, BUSINESS/SIGN**

Mr. Schultz stated that this is for a new occupant and for a wall sign.

**Ken Schiable, Schiable Realty, Shelton, CT addressed the Commission.**

Mr. Schiable stated that because of the location, they would like to have two signs. One would be on the front of the building and one would be on the front corner, on the side of the building, if that is possible. He'll use the color background that matches the color of building and then just have his colors for the sign. It is difficult because his only entry is going to be from the back.

Comm. Harger asked the name of the business.

Mr. Schiable responded that it was Minuteman Press. He is currently over at (inaudible).

Mr. Schultz stated that that lease area is 1900 square feet, 3 employees; hours of operation are 8 a.m. – 6 p.m. Monday through Friday and 8 a.m. – 1 p.m. on Saturday. Three or four spaces are designated for this use.

Chair Parkins asked if he wanted one in the front.

Mr. Schiable responded that he wants one in the front and one to the side, if possible.

Mr. Panico commented that you can't get into his business from either place.

Mr. Schiable responded no. He wants the exposure. You could get down to him if you came in the front door but (inaudible)...

Chair Parkins commented that it looks like a pretty decent sized sign. Whatever intersection you are at, with the exception of coming south on #110, you are going to see that sign.

Mr. Schiable responded that it was not a lot of signage and it is well within the limits of what is allowed for the building (inaudible)...

**End of Tape 1A 7:48 p.m.**

Comm. Harger asked about the entrance on Howe Avenue and if that was accessible.

Mr. Schiable responded that he can get access down to his location from there but once people know where he is, they are going to come to the back entrance because he is going to have a door of his own back there. Anyone bringing stuff in or out is not going to want to take that staircase in the front.

Mr. Schultz asked if he could clarify the space that they are leasing.

Mr. Schiable responded that it was the basement; it's not really a basement, it's a half level below, so he has windows down there, but it is pretty much underneath the entire (inaudible)...

Mr. Panico commented that in a multi-tenant building, the sign regulations generally require that the sign be on that portion of the building that the tenant is occupying.

Mr. Schiable responded that he is underneath that portion of the building.

There was discussion about the location of the sign as seen from Dunkin Donuts and Liquid Lunch (comments inaudible)...

Mr. Schiable indicated that he is trying to get people to come around to the back. His occupancy is below this. He has most of the basement.

Comm. McGorty commented that it is easier for people to come in the back rather than go in through the front.

Mr. Schiable stated that you can park here and come in this door, walk down a staircase and get to him, or you can go in the back of the building.

Mr. Panico asked what was directly behind that sign.

Mr. Schiable responded that it was Dunkin Donuts bathrooms.

Comm. Harger asked if there was any space on the existing big metal sign.

Mr. Schiable responded no, they used those up with the office tenants. They are full tenanted. They have no vacancy except for the basement.

Comm. McGorty commented that it gives him good visibility on Howe Avenue.

Mr. Schiable commented that it is hard because the office tenants are office tenants, but he is retail. He's really looking for the exposure and he understands that.

Comm. Harger asked if there would be anyway that he could have it blend in a little bit better (inaudible)...

Mr. Schiable responded that he could speak to him about that.

Comm. Harger commented that she didn't want anything real oversized something that could be a little bit more (inaudible)...

Mr. Schiable stated that he thinks that he made it that size so that it would match up with the length – he asked if she wanted him to shrink it down a little bit.

Comm. Harger responded yes, it just seems to be overwhelming for the whole front of the building, making it a little bit off balance.

Chair Parkins commented that she thinks they made it that big to match up with the other signage, but she agreed that it's double the size of everybody else's.

Mr. Schiable responded that he is trying to get that exposure. It is hard because he really is, well, he doesn't want to use these words, but he really is a back-door tenant. His back door is going to be his formal entrance.

Chair Parkins commented that she really didn't have a problem with the one sign but would like to see the other a little bit smaller. She asked the other Commissioners for a consensus that they approve this with the request that the front signage be about 1/3 smaller.

Comm. Harger asked if it could be a little more balanced with each row.

Comm. McGorty commented that he thinks that even if he shrinks that down a little, it won't be an issue. You are going to see it because of the colors in it.

Mr. Schiable agreed to make the front sign a little bit smaller. He asked if they could agree with 2/3 the size.

Comm. Harger asked how big it was right now.

Mr. Schiabile responded that it was roughly - that board is probably 2 ½ feet x 5 ½ feet.

Comm. Harger suggested 18 inches (inaudible)...

Mr. Schiabile indicated that he would tell him 18" x whatever the width of the board is – that is what he is going to tell him is the approval.

**On a motion made by Joan Flannery seconded by Thomas McGorty, it was unanimously voted to approve Separate #5766 with the modifications.**

**SEPARATE #5801 SUPERIOR STORAGE OF SHELTON, 289 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz read a letter from the applicant which indicated that Superior Storage is requesting the approval to install lettering on their first building which faces Bridgeport Avenue. He provided a location map for the Commissioners showing the location of Superior Storage. He indicated that the sign it would face Bridgeport Avenue and Route 8. The lettering would be made of wood, cut from laser stencils, painted red with the dimensions of 18" x 24." They are hoping to improve their visibility and in turn, improve their business. On a consistent basis, customers have told them that they didn't know who they were or where they were located. They have reached their allotted road signage for the City of Shelton. Superior Storage of Shelton, formerly known as Shelton Self-Storage is the first self-storage facility in Shelton and has been established for over 25 years. Currently, they are competing with two new, state-of-the-art facilities in Shelton. They firmly believe that this lettering on their building will keep them visible and competitive.

Mr. Schultz provided the details of the signage that the applicant submitted for the Commission to review. He indicated that the Applicant is present tonight to answer any questions.

**The Applicant, Tammy Mulrooney, addressed the Commission for Superior Storage, 289 Bridgeport Avenue, Shelton, CT.** Ms. Mulrooney indicated that when she first called Rick Schultz to find out what she needed to do, she told him that they had originally thought of painting the stencils right onto the building. He told her that would be something that would not be approved because it was sort of like a billboard. He suggested to her that this would be the route to go.

Mr. Schultz stated that it would be channel letters made out of wood.

Ms. Mulrooney indicated that they would not be illuminated; however, there is lighting on the building, but the letters themselves would not be lit.

Mr. Panico asked about the 18" x 24" height.

Ms. Mulrooney clarified that each letter would be 18 inches wide and 24 inches high.

Comm. Flannery stated that she thought the sign regulations stated that they can't put phone numbers on the signs.

Mr. Schultz responded that has been the policy of the Commission. The new regulations have that.

Chair Parkins asked if the name of it was "Self Storage."

Ms. Mulrooney responded that it was "Superior Storage of Shelton" but she thought that would be a lot of letters to put the full name up. Her thought was to get the name of the product out there. They have a lot of signage on the road, but coming down from Route 8 in either direction, they can see her corner but they have to bring a few (inaudible) down. You can get good visibility of that first building coming down Bridgeport Avenue and coming off of Exit 13.

Comm. Harger asked if this particular building was street level or higher in the back.

Ms. Mulrooney responded that they were high – way up behind the Wiffle Ball Company. It can be seen from behind the Wiffle Ball Company.

Chair Parkins indicated that she was familiar with it and she knows it there.

Comm. Flannery stated that she knows that it is there too.

Chair Parkins indicated that she was not in favor of the phone number on there.

Comm. Flannery agreed.

Comm. Pogoda stated that the sign was fine but the phone number has got to go.

Comm. Harger asked if these letters would be applied directly to the building.

Ms. Mulrooney responded yes, they would be bolted on.

Comm. Flannery asked if there were any residential houses in the front of it.

Comm. Pogoda responded no, they are more to the side of it. He explained the location of the Valley Paving, a house to the left side (inaudible)...

Comm. McGorty indicated that he would like to drive by there and take a look from the road to see how large the letters would be.

Chair Parkins agreed that they are large letters.

Mr. Schultz asked Ms. Mulrooney if she could prepare some temporary lettering and put it up so that the Commissioners could take a look at it.

Chair Parkins added that it doesn't have to be an accurate rendition of what it is going to look like but just lettering up there because it is hard to envision.

Comm. McGorty commented that it might be larger than it needs to be, proportionately from how far it is from the road. They had that problem with the other parks, where it is massive letters when 20 feet away and when you drive by (inaudible).

Ms. Mulrooney responded yes, she is sure that they can do something to just get it up there – even if it is just one word so that they can drive by and (inaudible)...

Comm. McGorty indicated that would be good so that they can drive by and take a look at it.

Mr. Schultz asked her to let him know when she has done that so that he can e-mail all the Commissioners. Ms. Mulrooney agreed to do that.

Chair Parkins commented that they might not be that far out. Right now it looks like the letters are going from one end right to the outer edge and that may not be the case.

Ms. Mulrooney responded that they did measure it out with the size of those, so it kind of would be the case. The buildings are 24 feet wide.

Mr. Panico suggested that without the telephone number there, the words Self Storage could just slide down vertically.

Comm. Harger asked if the phone number was eliminated, would she consider making it a two line Shelton Storage.

Ms. Mulrooney responded yes, that is what she was thinking. She asked if regarding the phone number, if that was a law in Shelton and it simply was not allowed. She asked if she could make it smaller just so that they could get the visibility because it has been a consistent problem.

Mr. Panico stated that it is nice to know that they'd like it for identification purposes; however, he asked if she really thought it was practical for someone that far away to stop and write down the telephone number. It is probably on the other sign in the front anyway.

Ms. Mulrooney responded yes that it is, but coming off of Route 8, sitting at the light, they could write it down or if there is a passenger in the car, they could jot the phone number down.

Mr. Schultz suggested taking this one step at a time. He requested that she give him a call, the Commissioners will check it out and they will take it up again at the next meeting. Ms. Mulrooney agreed.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table Separate #5801.**

**SEPARATE #5806, SOHO ASIAN BISTRO, 872 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz indicated that Happy Family Restaurant is changing its name. The Commission reviewed the sign renderings provided for the Shelton Square Shopping Center. The Applicants were present to address the Commission regarding the signage. Mr. Schultz indicated that these were channel letters, internally illuminated on the top.

Comm. Pogoda commented that they just redid all of the façade signs over there.

Chair Parkins indicated that they discussed that if they had an existing sign they could use it. They stopped the liquor store from going huge.

Comm. McGorty asked the width of the façade. The dimension is not shown here.

Chair Parkins asked the applicants if they were planning on putting back the Chinese lettering.

The Applicants (name not provided) responded no, no Chinese letters. It would be like (inaudible)...

Chair Parkins asked if they knew the width of their space, their storefront was.

The Applicant provided another drawing with the dimensions on it.

Mr. Panico stated that it is 182, that is the same as (inaudible)

Comm. McGorty asked what the width of the façade was.

The Applicant responded that he didn't know.

Mr. Schultz asked if it was about 75 feet.

The Applicant indicated that it wasn't that big

Mr. Schultz asked if he thought it might be around 50 feet.

The Applicant indicated yes, about that.

Comm. Flannery stated that she didn't think it was even that big.

Mr. Panico commented that he thinks that it is going to take up less of the façade than it is currently because these symbols won't be there anymore. The overall width from the top of that letter to the bottom of that letter is less than from the top of this other letter to the bottom of that one.

There were comments about the size (inaudible).

Comm. Flannery asked if it was going to be in a box or have separate letters.

Mr. Schultz responded channel letters like all the rest. They were the last ones to have the box and they've gotten rid of it and now the name is being changed. So, there are uniform letters up there now.

Comm. Pogoda commented that he thought it looked good.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5806.**

**SEPARATE #5783, G.L. GLOVER CONSTRUCTION, 116 ½ BEARDSLEY ROAD, BARN**

Mr. Schultz showed the location of the proposed barn on a site map. He asked the applicant, Mr. Glover, if the materials would be traditional.

**Mr. Gerry Glover, G.L. Glover Construction, addressed the Commission.**

Mr. Glover responded yes (inaudible).

Mr. Schultz stated that Commission, not having dealt with real barns, have had their issues with private residences having barns.

Mr. Glover indicated that it was a timber barn that is traditional. It is on 99 acres.

Mr. Schultz stated that it was up in the Pumpkinseed area.

Chair Parkins asked what the barn would be used for.

Mr. Glover responded that they are going to sell pumpkins out of it during autumn and in the wintertime; they are going to store agriculture stuff (inaudible).

Mr. Panico asked what the footprint was.

Mr. Glover responded that building was 30' x 36' and it has (inaudible).

Comm. Harger asked (inaudible)...

Mr. Glover responded (inaudible)...

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5783.**

**SEPARATE #4498, JORGE GARCIA, 472 RIVER ROAD, TENT REVIVAL**

Mr. Schultz stated that this is the same location that the Commission has been entertaining annually. The dates are August 1 – August 16, and the hours are 7:30 p.m. to 9:30 p.m. They have not received any complaints over the years.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #4498.**

**SEPARATE #5794, LIJEJIANZ, 14 BRIDGEPORT AVENUE, MASSAGE SALON**

Mr. Schultz indicated that the location of this is where Perry Hill Road comes down from the Upper Elementary School. They have a retailer that is set in with a salon. The area is 800 square feet, 2 employees, 8 hours a day, 10 a.m. – 8 p.m., Monday through Sunday.

Comm. Pogoda asked if it was 10 a.m. – 8 p.m. even on Sunday.

Mr. Schultz asked the applicant if Sunday had reduced hours.

The Applicant (name not provided) responded that it was 9 a.m. – 8 p.m. on the weekends.

Chair Parkins asked if he was saying that he would have longer hours on the weekends.

The Applicant responded yes.

Comm. Harger asked if the hours were Monday – Friday 10 a.m. to 8 p.m.

The Applicant responded yes, and Saturday and Sunday 9 a.m. to 8 p.m.

Mr. Schultz indicated that there were two employees. They have massage therapist licenses from the State of Connecticut. There is no signage, is that correct?

The Applicant responded no, not at this point.

Comm. Harger asked what the name of the business was.

The Applicant responded massage salon.

Chair Parkins asked if that was the name of it.

Mr. Schultz asked if it was Original Massage.

The Applicant responded yes, Original Massage Salon.

Comm. Flannery asked if there was parking.

Mr. Schultz responded that there was a lot of parking there.

Comm. Pogoda commented that he wants the applicant to be aware that they have to come before the Commission before they put up a sign.

The Applicant responded that they were aware of that.

Mr. Schultz responded that Staff would recommend approval with that condition.

Chair Parkins asked if any of the Commissioners had any questions or comments.

Comm. Harger stated that she was surprised that this business would operate 7 days a week with all of those hours.

Comm. Pogoda asked if this was by appointment.

Comm. Flannery asked if this was a nail salon before.

Comm. Pogoda responded yes, he doesn't think that there will be a problem.

The Applicant responded that they were having a little bit of a language barrier right now, but he answered that it would be by appointment.

Mr. Panico commented that is 10 hours a day, 7 days a week – 70 hours of operating time.

Chair Parkins asked if that means there would be no walk-ins. She asked if there would be any signage saying "walk-ins welcome."

The Applicant responded that if there are no appointments scheduled at the time that somebody walks in, yes, that person will be accommodated. However, if there is no time, then it will be just like going to the barber.

Comm. McGorty commented that he would always be open during those hours if they walk in. If not, OK, so it doesn't matter, appointment or not, they will be open.

**On a motion made by Anthony Pogoda seconded by Joan Flannery, it was voted (4-1) to approve Separate #5794. Comm. Harger voted in opposition.**

**SEPARATE #5787, MEDITEX LAUNDRY SERVICE, 33 HULL STREET, BUSINESS**

Mr. Schultz stated that this is the large building south of the Commodore Hull Bridge. The building is 58,000 square feet. This area is 2200 square feet. It is a commercial laundry. This is zoned Industrial IB-2 with permitted use, similar to Russell Linen. There are four employees, hours of operation 7 a.m. – 3 p.m. M-F, four vehicles, plenty of parking available. Previous tenant was Watkins Carpet.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #5787.**

**SEPARATE #5788, ROGER MALEWPHY, 33 FAWN HILL ROAD, IN-LAW**

Mr. Schultz showed a photo of a raised ranch structure. He stated that two things would be going on here. They will be building a two-story addition, and a two-car garage with a finished living area on the second floor, but the in-law is going to occupy a portion of the existing house.

Comm. Pogoda asked where it was coming off of in reference to this.

Mr. Schultz showed where it would be occupying the ground level.

Comm. Pogoda asked if they were adding another garage off to the side.

Mr. Schultz responded yes, it has nothing to do with the in-law. There are two separate things going on here. There is a two-story addition going to the right of the main house and that is as of right. The in-law is to convert a portion of the lower livable area of the raised ranch.

Comm. Pogoda commented that the lower livable area is the garage.

Mr. Schultz responded that it was going to be converted. The existing two-car garage will be converted and the new addition will be the new garage.

Comm. Pogoda commented that they are going to use this as living space and they are putting a two-story addition, two-car garage with livable space above, adding on to the end of this. As long as it is going to look the same (inaudible)...

Mr. Panico stated that the down at the level of the garage (inaudible)...

Mr. Schultz stated that the regulations prohibit a second front entrance. This is showing another front entrance on the two-story addition. They can wrap it around the side. The Commission has allowed it instead of having two front entrances.

Mr. Panico stated that it is not going to be that easy to wrap around.

Mr. Schultz stated that it has to made a condition of approval because they do not allow two front doors when there is an in-law.

Chair Parkins asked if this was less than 900 square feet.

Mr. Schultz responded yes.

Comm. Pogoda asked if they were building above the garage too.

Mr. Schultz responded yes.

Comm. Pogoda asked who would be using that.

Mr. Schultz responded that it would be the principle owner.

Comm. Pogoda asked if the in-laws would be using the two-car garage that is being refurbished.

Mr. Schultz responded yes.

Comm. Pogoda asked if they were going to have an entrance off the back and is it shown.

Mr. Schultz responded yes. He showed them the location of the entrance.

Mr. Panico stated that they are taking the area out of the raised ranch that was formerly garage and they are making that an in-law apartment. They are constructing a new two-car garage with living space that adds on upstairs to the second level.

Mr. Schultz responded yes, Staff recommends approval with that restriction.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #5788 with the front door modifications.**

**SEPARATE #5790, BISHOP DEVELOPMENT, 784 RIVER ROAD, BUSINESS/SIGN**

Mr. Howard Soffan distributed copies of the proposed floor plan.

Mr. Schultz indicated that the proposed use is for the School of Rock. It is 2900 square feet. The hours of operation would be Monday – Friday, 11 a.m. – 8 p.m. the number of employees would be 5-7. Parking requirements assigned to this use is five.

**Mr. Howard Soffan, owner of the Sports Center of Connecticut addressed the Commission.** Mr. Soffan stated that several years ago they came to the Commission with a project to build a facility called Game Zone. At that time, they expressed concerns about parking and indicated that they wanted to see how the flow of traffic went and they did not develop the second floor. So it has been wide open and they have not used it. They were approached approximately three months ago by a company called the School of Rock.

Mr. Soffan stated that he would read something about what they do. He read that the School of Rock is the national leader of musical education for kids from 2<sup>nd</sup> grade through high school. Students learn from professional musicians in an interactive environment combining weekly private lessons and structured group rehearsals with the ultimate goal of performing live in front of a real crowd. Basically, it is a music teaching school. Mr. Soffan stated that what makes it so special is that Game Zone is filled with video games downstairs that make a lot of noise. So they are going to be upstairs making a lot of noise, but no one is going to care. It adds to the Sports Center because it adds to family fun.

Mr. Soffan indicated that he was shocked about the hours. He thought that they would have needed more weekend hours but that is not there. It isn't what they do. They have a School of Rock in Fairfield and the hours there are Monday through Thursday 10 a.m. – 8 p.m. and Friday 11 a.m. – 7p.m. They have a School of Rock in New Canaan with hours on Tuesday, Thursday 12 p.m. – 8 p.m.

Mr. Soffan asked them to please think about having School of Rock parties or something. They will see on the floor plan that they have a large rehearsal room called Party Room #1 and Party Room #2. Joe Mingolledo put this together. It will be used for performances. They will take that moveable partition in the center to give themselves a larger room that is roughly 16' x 32.'

Chair Parkins asked if they would be hosting children's parties.

Mr. Soffan responded that they may, it is within their rights.

Chair Parkins commented that she means in terms of Game Zone would they let a group of kids, have pizza...

Mr. Soffan responded that somebody could have a School of Rock party. They do it, but he thinks that their intent is to teach musical instruments. He thinks that it will add tremendously to the community. There is 2900 square feet. Mr. Soffan stated that he asked them how many instructors they envisioned having and they said upwards of five. It is really for after school activities.

Mr. Panico asked where the parking comes from to support this.

Mr. Soffan responded that the parking – the time that they are talking about is after school. The Sports Center isn't that busy after school Monday through Friday. He wishes that it was. If it was weekend business, it might possibly be a problem.

Comm. Harger asked what the hours were again for Monday through Friday.

Mr. Schultz responded that it was 11 a.m. to 8 p.m.

Chair Parkins asked about the types of musical instruments.

Mr. Soffan responded that it would be from violin, flute, all across the board. It is very comprehensive. This is an unbelievable business and it will add tremendously to the community. He can't tell you how many Zumba teachers have wanted that space but it doesn't fit with what they do. This will be a huge addition to the community.

Comm. Pogoda asked if they would be bringing in different teachers for all the specific instruments.

Mr. Soffan responded that they bring in professional musicians. In fact, some of their teachers in Fairfield live in Shelton.

Chair Parkins asked if this was individual lessons.

Mr. Soffan responded that it was individuals and groups and that's why they can perform together and form bands.

Comm. Pogoda asked if these rooms were going to be sound-proofed.

Mr. Soffan responded yes, sound-proofed with special sheet rock. The fit out for them is not – as a landlord, it is probably not - the most profitable piece of business, but they are really going to add to what they have at the Sports Center.

Mr. Panico asked if he was obligated to provide handicapped access to that space. He asked him if he checked with the Building Official.

Mr. Soffan responded that was a very good question but he will get that answer for them.

Mr. Panico asked what the square footage was.

Mr. Soffan responded that it was 2900 square feet.

Chair Parkins asked if this was an upstairs area.

Mr. Soffan responded yes, that he wished Joe Mingollelo was here. He thinks he has done that research.

Mr. Schultz asked if he would be 100% occupied with this.

Mr. Soffan responded yes.

Comm. Pogoda asked if he was required to have something for handicapped, he would need an elevator, correct?

Someone (unnamed) responded that the dance studio on River Road did not require an elevator. They went through this.

Comm. Pogoda responded that is dance. If you are handicapped, then you would not be doing very much dancing.

Someone (unnamed) stated that there are two businesses up on the second floor and there is no handicapped access.

Comm. Pogoda commented that he was just asking. He's sure that if they say that he has to have it, then he'll have. It is really up to the Building Official.

Mr. Soffan responded yes.

Mr. Schultz asked if this company is established in Connecticut or is it a national company.

Mr. Soffan responded that it is a national franchise but these guys own Connecticut, so they are going to grow. They are two very interesting guys who used to be investment bankers and they love music.

Chair Parkins commented that if they approve this and it is determined by the Building Department that handicapped access is required, he'll have to comply.

**On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to approve Separate #5790.**

Mr. Schultz commented that they have a rendering of the signage. It is channel letters on a raceway, internally illuminated.

Chair Parkins asked for a consensus on the signage.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the signage for Separate #5790.**

**APPLICATION #11-03 DOMINIC THOMAS ON BEHALF OF DWD PARTNERS, LLC FOR FINAL SITE DEVELOPMENT PLAN APPROVAL AND ADOPTION OF PDD ZONE CHANGE AND CAM SITE PLAN APPROVAL (SELF-STORAGE FACILITY FOR TRANSPORTATION VEHICLES), 496 RIVER ROAD (MAP 54, LOT 1), CA-2 DISTRICT (PUBLIC HEARING CLOSED ON 4/12/11).**

Mr. Schultz indicated that the Commission directed Staff to write a favorable resolution. Mr. Panico read the draft resolution.

**\*See attached Report Resolution for Application #11-03 dated 5/10/11.**

**End of Tape 1B, 8:35 p.m.**

After reading the draft resolution, Mr. Panico added that they continue to work with the Applicant to resolve final details, some of which just came about because of a lack of time to complete it in time for the public hearing. The main issues are resolved, the emergency access is resolved, the Fire Marshal's concern about on site circulation is resolved. He doesn't see any engineering concerns that can't be resolved. The City Engineer's letter made a couple of comments about site layout and organization that he thinks are the purview of this Commission. They need a more detailed landscaping plan and he wants to know that certain areas will be paved and if there will be curbing. He doesn't see the water lines shown. His main concern is how they will deal with that emergency connection. It needs to be secure and accessible for emergency purposes.

Mr. Panico indicated that he went out to look at the site and there is an attractive iron gate closure that was used at the end of that driveway to control circulation so perhaps some treatment of that can be extended or a mountable curb provided through there in conjunction with some sort of a breakaway fence. The applicant needs to show them something as to how they intend to do it and Staff will react with that. But there is nothing that is going to invalidate the approval of the project. The important thing is that they are satisfied with the overall layout, the use in general, the appearance and aesthetics of it.

Comm. Harger asked him to remind them why it is that they won't have tie in for city sewers.

Mr. Panico responded that they only have a small lavatory up in the office area just to serve one or two employees. He thinks that they are going to seek a waiver of some sort from the W.P.C.A. in order to not have that tie in. If W.P.C.A. doesn't grant it, then obviously, they are going to have to revise it and make a connection.

Chair Parkins asked for a motion to accept this resolution for discussion.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept the resolution for discussion of Application #11-03.**

Comm. Harger asked where the sewage or the septic would be.

Mr. Panico showed the location of the septic in the front lawn area. He explained that the septic tank is underneath the front parking area and the leeching field runs parallel to Route #110 between the front building and the road.

Mr. Panico stated that some of this is confusing. When he was looking at the drawings from an engineering point of view, he was looking at the drainage system. They are still showing the old drainage system that is out there which he thinks is going to be eliminated or removed, but it does not say so on the drawings. Those are the type of little technicalities that they have to address. He is sure that a lot of it came about because of the time constraints.

Comm. Harger asked if he felt that there was anything so overwhelming...

Mr. Panico responded that he didn't think that there was anything in there that can't be addressed. It is mostly underground stuff. The only thing that they would make the Commission aware of would be what the final decision is on how to treat the back.

Chair Parkins commented that she thinks that visually, it is very attractive.

Mr. Panico stated that the bottom line is that there is a significant improvement between when they first saw this and the way it turned out to be now because that final row in the back, up against the residential area has been eliminated. Some units were lost and some units were created as tandem units and there is no intrusion at all back there. A couple of the aisles got made a little bit wider. The final result was that this was made 40 feet and this was dropped to 30 feet so that building has shifted a little bit.

Comm. Harger asked if that particular set of plans was out of date.

Mr. Panico responded that there was no date on it. He was talking about the actual architectural.

Chair Parkins commented that the revision is dated 4/7/11. She asked if there were any other questions or comments before voting.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously roll call voted (5-0) to approve the resolution for Application #11-03.**

### **NEW BUSINESS**

**APPLICATION #11-10, PIONEER GAS & APPLIANCE CO., INC. FOR SITE PLAN APPROVAL (30,000 GALLON PROPANE TANK AND STORAGE YARD), 65 RIVERDALE AVENUE (MAP 118, LOT 42), IB-2 DISTRICT: ACCEPT FOR REVIEW**

Mr. Schultz indicated that they would like to address the Commission at the June 14<sup>th</sup> meeting. He added that the Inland Wetlands Commission approved this application, so all regulated activities have been completed.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept Application #11-10 for review.**

**APPLICATION #11-11, AVALON BAY COMMUNITIES, INC. FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD #60 (SHELTON RIVERFRONT DEVELOPMENT) AND MODIFICATION OF FINAL SITE DEVELOPMENT PLANS (RADCLIFFE PARK: SITE B), 185 CANAL STREET (MAP 129, LOT 19): ACCEPT AND SCHEDULE PUBLIC HEARING**

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Application #11-11 and schedule a public hearing for June 1<sup>st</sup>.**

### **PUBLIC PORTION**

Chair Parkins asked if there was anyone from the public wishing to address the Commission on any item not on the agenda. There was no one.

Comm. Flannery indicated that at 900 Bridgeport Avenue, it was brought up once before, because they had a huge banner there. They took it down but they put a tire up there. It is a huge, ugly tire with a sign. She just drove by there today.

Mr. Schultz responded – again. He indicated that he had called them and he thought they removed it. He explained that this location is diagonally across from Burger King, the Coco property – it's the new fitness center.

Mr. Panico asked if Coco was doing it.

Mr. Schultz responded no, it's one of his tenants. It is just a marketing ploy.

Comm. Pogoda commented that it was a huge, tractor tire.

Chair Parkins asked if they were selling tires.

Comm. Pogoda responded that it is a high-powered gym and they use those use those tires for workouts. Those guys strictly work out for Strongman competitions. It is not a regular gym.

Mr. Schultz commented that he would make that a high priority.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to close the Public Portion of the meeting.**

### **OTHER BUSINESS**

**APPROVAL OF THE MINUTES: 2/8/11, 2/16/11, 3/8/11, 3/23/11**

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the minutes of 2/8/11, 2/16/11, 3/8/11, and 3/23/11.**

### **WINDY FIELD SUBDIVISION (TEN COAT LANE): REQUEST FOR RELEASE OF PERFORMANCE BOND**

Mr. Schultz stated that, for the newer commissioners, this is an old 4-lot subdivision off of Meadow on Ten Coat Lane near Shelton High School. He read a letter from the City Engineer dated March 31, 2011 recommending that the remaining \$11,000 performance surety be released.

**\*See attached letter to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer, dated March 31, 2011.**

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve the Request for Release of Performance Bond at Windy Field Subdivision (Ten Coat Lane).**

### **LETTER OF SUPPORT FOR SMALL CITIES HOUSING REHAB PROGRAM**

Mr. Schultz stated that he received a letter from Charlene DeFilippo, Community Development, soliciting the Planning and Zoning Commission to endorse the Small Cities Block Grant. She has submitted a form letter for the Commission to prepare, but obviously he needs their authorization. The City of Shelton is seeking \$300,000 for a Small Cities Grant to be used to upgrade building code such as electrical and plumbing. This is something that would be very beneficial to the City of Shelton. It would require a motion from the Commission authorizing Staff to write a favorable recommendation on this.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted favorably in regard to the Letter of Support for Small Cities Housing Rehab Program.**

### **PAYMENT OF BILLS**

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the Payment of Bills, if funds are available.**

## **STAFF REPORT**

**\*See attached Planning & Zoning Staff Report dated May 10, 2011.**

### **ZBA**

Mr. Schultz stated that ZBA is entertaining a use variance from J&B Auto which they recently approved for Phase 1. Phase 2 is for the expansion of a non-conforming use. The ZBA application is #511-1 and per their regulation requires a referral to the Planning & Zoning Commission for review and possible comments to the ZBA. All members have an attachment. It is up to Commission if they would like to make any comments to the ZBA. This is a referral requirement under the regulations.

Chair Parkins stated that they have been pretty cooperative. They have met several times with the DSC.

Mr. Schultz stated that the latest revised plans have really come along.

Mr. Panico stated that the real test is going to come with building expansion and improvements and all those boxes are going to be removed and the site finally comes (inaudible)...

Mr. Schultz asked them for a motion authorizing Staff to write a favorable referral.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to direct Staff to write a favorable referral for a use variance to the ZBA regarding ZBA Application #511-1.**

Mr. Schultz discussed the status of other issues pertaining to the Zoning Enforcement Program.

## **ADJOURNMENT**

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn at 9:15 p.m.**

Respectfully submitted,

Karin Tuke  
Planning & Zoning Commission, Recording Secretary